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**FIRST-TIER TRIBUNAL
PROPERTY CHAMBER (RESIDENTIAL
PROPERTY)**

Case Reference : LON/00AK/LSC/2015/0052

Property : 15 Leopold Road
London N18 2DY

Applicant : Ms C Momodu

Representative : n/a

Respondent : FirstPort Property Services Ltd
(previously known as OM Property
Management Ltd)

Representative : Ms M Duggal of
Peverel Property Management

Type of Application : Liability to pay estate charges

DECISION

Background

1. The Applicant is the freehold owner of 15 Leopold Road, London N18 2DY.
2. On 03/02/2015, the tribunal received an application in which the Applicant seeks to challenge estate charges in relation to the period from 2005 to 2015.
3. On 24/04/2015, the Respondent's representative made an application for the case to be struck out on the grounds that the tribunal has no jurisdiction.
4. On 01/05/2015, the tribunal notified the Applicant that the proceedings may be struck out and gave her an opportunity to make representations regarding this at the case management conference due to take place on 05/05/2015. The tribunal explained that it only has jurisdiction over estate charges under s.159 of the Commonhold and Leasehold Reform Act 2002, which applies to estate management schemes that have been approved by the High Court or the tribunal.

Case management conference

5. The Applicant attended the case management conference on 05/05/2015. The Respondent was represented at the hearing by Ms M Duggal.
6. The Applicant informed the tribunal that she has been the freehold owner of the property in question since 2004. It was a new build at that time and the Applicant has been the first and only owner of the property. The Applicant is unaware of the any proceedings before the tribunal or the High Court in which an estate management scheme was approved.
7. The Applicant said that she has made enquiries of the tribunal in 2005 when she was informed that the tribunal had no jurisdiction over the estate charges. The Applicant stated that she decided to pursue an application following recent advice from LEASE and a CAB, which led her to believe that there had been a change in law so that the tribunal may now have jurisdiction.
8. Ms Duggal informed that tribunal that there was no estate management scheme and invited the tribunal to strike out the application.

Tribunal's decision

9. The tribunal has no jurisdiction so the proceedings are struck out under Rule 9(2)(a) of the Tribunal Procedure (First-tier Tribunal)(Property Chamber) Rules 2013.
10. Given the above, there are no proceedings to which leaseholders can apply to be joined as a party.
11. The fee paid by the Applicant should be reimbursed by the tribunal, as it is accepted that the Applicant made the application in good faith.

Reasons for the tribunal's decision

12. The tribunal only has jurisdiction over estate charges that are the subject of a management scheme that has been approved by the High Court or the Tribunal. No such scheme applies to the Applicant's property.
13. The tribunal gave the Applicant the required notice under Rule 9(4) that her application may be struck out.

Judge J E Guest

05/05/2015